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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DUONG, OANH L

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/643,583	<b>Applicant(s)</b> GUPTA ET AL.	
	<b>Examiner</b> Oanh Duong	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-14 are presented for examination.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: the feature "generates said quasi-static copy of said defined web page" is duplicated in the claim. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,591,266 B1), in view of Gauvin et al. (Gauvin) (US 6,061,686), and further in view of Labounty et al. (Labounty) (US 6,871,211 B1).

Regarding claims 1, Li teaches a method for providing a requestor with access to dynamic data via quasi-static data requests (e.g., see fig. 2 col. 1 lines 18-22), comprising the steps of:

defining a web page, said web page including at least one dynamic element (e.g., dynamically generated Web content, col. 7 lines 26-27);

creating an executable digital code to be run on a computer and invoked at defined intervals by a scheduler component (col. 18 line 45-col. 19 line 19, Li discloses a program that invokes at periodic intervals); and executable code creating and storing a quasi-static (do not change frequently) copy of defined web page (Fig. 2 col. 3 lines 19-29, Li discloses a copy of a quasi-static web page is pre-generated and stored in the Server);

creating said scheduler component capable of invoking said executable code at predetermined intervals (e.g., see col. 18 line 45-col. 19 line 19, Li discloses a program that invokes at periodic intervals);

loading said executable code and said scheduler component onto a platform in connectivity with a web server and in a manner in which said executable code and said scheduler component are in connectivity with each another (e.g., see fig. 7, col. 26 lines 32-61);

invoking execution of said scheduler component such that said executable code that generates the quasi-static copy of said defined web page (Fig. 2 col. 3 lines 19-29, Li discloses a copy of a quasi-static web page is pre-generated and stored in the Web Server); and

retrieving and returning the static copy of said defined web page in response to requests for said defined web page (Fig. 2 col. 3 lines 16-29, Li discloses a copy of quasi-static web page is retrieved and returned from the web server to the client browser in response to the requests).

Li does not explicitly generates the quasi-static copy of the defined web page is scheduled at periodic intervals and dynamic element that changes at a relatively slow or well defined rate as compared to other dynamic data or that changes at a well defined rate with respect to other dynamic data.

Gauvin teaches generates the **copy** of defined web page is scheduled at periodic intervals (i.e., periodically update/generate the update copy of the web page, col. 5 lines 22-37 and col. 7 lines 28-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Li to periodically generate (or pre-generate) a copy of the web page as in Gauvin. One would be motivate to do so to allow a web page to be efficiently updated (col. 1 lines 64).

Labounty teaches a network based system wherein the combined displayed is continuously updated. Labounty teaches dynamic element that changes at a relatively slow or well-defined rate as compared to other dynamic data or that changes at a well-defined rate with respect to other dynamic data (col. 7 lines 29-52). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the dynamic data of Labounty in the process of providing a requestor with access to dynamic data in Li. One would be motivated to do so to improve the performance of the web pages that use HTTP (Labounty, col. 7 lines 29-31).

Regarding claim 2, Li teaches the web page is defined and stored in a repository (col. 38 lines 28-49).

Regarding claim 3, Li teaches defining a placement and derivation for elements in said web page (col. 13 line 57-col. 14 line 28); and defining said web page as either static or dynamic (Li, col. 9 lines 54-64).

Regarding claim 4, Li teaches said elements are defined as dynamic or static (col. 1 line 20-22).

Regarding claim 5, Li teaches executable code and scheduler code is generated from Business Class definitions (col. 2 lines 19-46).

Regarding claim 6, Li teaches static copy of defined web page is stored in a format capable of being viewed by a web browser (Fig. 4 col. 3 lines 24-30).

4. Claims 7-8, 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labounty in view of Gauvin.

Regarding claim 7, Labounty teaches a method for providing a requestor with access to dynamic data via quasi-static data requests (Fig. 2), comprising the steps of:

providing a web page including at least one dynamic element that changes at a relatively slow rate as compared to other dynamic data or that changes at a well define rate with respect to other dynamic data (col. 7 lines 28-53, Labounty discloses a web page with relatively static fields that changes slowly);

upon receiving request from a web page from the requestor, returning the quasi-static copy of the web page as a static copy (col. 7 lines 29-53, Labounty discloses browser loads a web page from the web server by using HTTP to open a web page).

Labounty does not explicitly teach a scheduler periodically invoke an executable to generate a quasi-static copy of the web page, said periodically invoking being defined with respect to an actual rate of change of the dynamic element with respect to other dynamic data.

Gauvin teaches the method and system wherein the remote document copy is updated to reflect the modifications (see abstract). Gauvin teaches generates the copy of defined web page is scheduled at periodic intervals (col. 5 lines 22-37 and col. 7 lines 28-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Labounty to periodically generate a copy of the web page as in Gauvin. One would be motivated to do so to allow a web page stored in the memory of a computer to be efficiently updated when the computer reconnects to the network (Gauvin, col. 1 line 64).

Regarding claim 8, Labounty teaches the method of claim 7 wherein the at least one dynamic element is retrieved from an operational database by the executable when the quasi-static copy of the web page is generated but is not retrieved when the quasi-static copy is returned as a static copy to the requestor (col. 5 lines 52-54).

Regarding claim 10, Labounty teaches the method of claim 7 wherein the quasi-static copy of the web page is stored in a format capable of viewed by a web browser (Fig. 2, col. 7 lines 45-47).

Claim 11 represents a system that is parallel to the method of claim 7. Claim 11 does not teach or define any new limitation above claim 7 and therefore is rejected for similar reasons.

Claim 12 does not teach or define any new limitation above claim 8 and therefore is rejected for similar reasons.

Claim 14 does not teach or define any new limitation above claim 7 and therefore is rejected for similar reasons.

5. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labounty, in view of Gauvin, and further in view of Helbig (US 2002/0116257 A1).

Regarding claim 9, Labounty-Gauvin does not explicitly teach Active Server Page (ASP).

Helbig teaches executable is written in Active server Pages (APS) (page 5 paragraph 49). It would have been obvious to one having ordinary skill in the art at the



time the invention was made to incorporate the ASP of Helbig in the process of generating a dynamic web page of the combination of teachings of Labounty and Gauvin. One would be motivated to do so to allow dynamic web pages to be created as opposed to static ones that are written in HTML.

Claim 13 does not teach or define any new limitation above claim 9 and therefore is rejected for similar reasons.

### ***Response to Arguments***

6. Applicant's arguments filed 12/23/2005 have been fully considered but they are not persuasive.

In the remarks, applicant argued in substance that

(A) Prior art fails to disclose generating at periodic intervals a quasi-static copy of a web page that has at least one dynamic element that changes at relatively slow rate as compared to other dynamic data or that changes at a well define rate with respect to other dynamic data.

As to point (A), Gauvin does teach generates the **copy** of defined web page is scheduled at periodic intervals (i.e., the update server *periodically updates its web page by directly overwriting its web page with a copy of the web page loaded from the original server*, col. 5 lines 22-37 and col. 7 lines 28-30). Labounty teaches web page including at least one dynamic element that changes at a relatively slow or well-defined rate as compared to other dynamic data or that changes at a well-defined rate with respect to

other dynamic data (i.e., *web page 209, which displays relatively static or quasi-static fields/elements*, col. 7 lines 29-52).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "**creating a web page from scratch not from a copy**") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. As a result, the cited prior arts do disclose method and system for providing access to dynamic data as broadly claimed by the applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior arts.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D  
March 26, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER